ஒரு அறிக்கையை அனுப்புமாறு உத்தரவிட்டுள்ளார். மாண்புமிகு கல்வி அமைச்சர் அவர்களும் 12. 8. 78 அன்று சம்பவம் நடந்த இடத்திற்கு வந்து பார்வையிட்டு, இறந்த பிள்ளைகளின் பெற்றோருக்கு தலா ரூபாய் 2,000/- வீதம் கொடுக்கும்படி உத்தரவிட்டுள்ளார். அந்த உத்தரவிற்கிணங்க ரூபாய் 2,000/- ஒவ்வொரு இறந்த குழந்தையின் பெற்றோருக்கும் ஊராட்சி ஒன்றிய நிதியிலிருந்து கொடுக்கப்பட்டுள்ளது.

4. இந்த தற்காலிக பள்ளிக் கட்டிடம் இந்த ஆண்டு ஏப்ரல் மாதத்தில் கட்டப்பட்டிருந்தாலும், இக்கட்டிடம் 11.8.78 அன்று அடித்த சூறாவளிக் காற்றின் வேகத்தை தாங்கமுடியாமல் விழுந்துவிட்டது. இந்த விபத்து தற்செயலாக ஏற்பட்டதேயன்றி வேறு எந்தவித தவறான காரணங்களினாலும் ஏற்பட்டதல்ல. இந்த விபத்தின் காரணத்தைகண்டறிய சென்னையில்உள்ள நெடுஞ்சாலை ஆராய்வு கழகத்திலிருந்து, ஒரு அதிகாரியை சம்பவம் நடந்த இடத்திற்கு அனுப்பி, அக்கட்டிடத்தின் வலிவுத் தன்மையை கண்டறிந்து அரசுக்கு ஒரு அறிக்கை கொடுக்க, நடவடிக்கை எடுக்கப்பட்டுள்ளது. மற்றும் காயமுற்ற மற்ற 22 பேர்களுக்கும் சிறு உதவித் தொகை அளிக்கும் பொருட்டு, ஒரு கருத்துரு அரசின் தீவிர பரிசீலனையில் உள்ளது.

இணைப்பு IV

[477 ஆம் பக்கத்தில் இனம் 11 க்கான அடிக்குறிப்பைக் காண்க.]

L.A. Bill No. 31 of 1978.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 14th August 1978.

2. *Amendment of section 6, Tamil Nadu Act 22 of* 1959.—In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) (hereinafter referred to as the principal Act), after clause (15), the following clause shall be inserted, namely:—

"(15-A) "Regional Committee" means the committee constituted by the Government under sub-section (1) of section 46-A; '.

3. *Amendment of section* 21, *Tamil Nadu Act* 22 *of* 1959.—In sub-section (1) of section 21 of the principal Act, for the expression "(not being a proceeding in respect of which a suit or an appeal to a Court is provided by this Act)", the expression "(not being a proceeding, in respect of which a suit or an appeal to a Court is provided by this Act, or in respect of which an application for revision has been preferred under section 21-A to the Deputy Commissioner and is pending disposal by him)" shall be substituted.

4. *Insertion of new section* 21-*A in Tamil Nadu Act* 22 *of* 1959.—After section 21 of the principal Act, the following section shall be inserted, namely:—

"21-*A*. *Powers of Deputy Commissioner to call for records and pass orders.*—(1) The Deputy Commissioner may call for and examine the record of any Assistant Commissioner in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act), to satisfy himself as to the regularity of such proceeding, or the correctness, legality or propriety of any decision or order passed therein.

(2) If, any such decision or order has been passed by any Assistant Commissioner and it appears to the Deputy Commissioner that the decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) The Deputy Commissioner shall not pass any order prejudicial to any party under sub-section (2) without hearing him or giving him a reasonable opportunity of being heard.

(4) The Deputy Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1), pending the exercise of his powers under sub-section (2) in respect thereof.

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(5) Every application to the Deputy Commissioner for the exercise of his powers under this section shall be preferred within three months from the date on which the decision or order to which the application relates was communicated to the applicant ".

5. *Amendment of section* 26, *Tamil Nadu Act* 22 *of* 1959.—In clause (*b*) of sub-section (2) of section 26 of the principal Act—

(i) in sub-clause (i), the word " and " occurring at the end shall be omitted ;

(ii) after sub-clause (i), the following sub-clause shall be inserted, namely:—

" (i-*a*) in the case of trustees appointed by the Deputy Commissioner, to the Deputy Commissioner ; and ".

6. *Amendment of section* 46, *Tamil Nadu Act* 22 *of* 1959.—In section 46 of the principal Act, for clauses (i) and (ii), the following clauses shall be substituted, namely :—

" (i) is not less than ten thousand rupees but is less than fifty thousand rupees;

(ii) is not less than fifty thousand rupees but is less than one lakh rupees ;".

7. *Insertion of new section* 46-*A in Tamil Nadu Act* 22 *of* 1959.—After section 46 of the principal Act, the following section shall be inserted, namely:—

" 46-*A*. *Constitution of Regional Committees*.—(1) In respect of all religious institutions [other than those religious institutions falling under clause (iii) of section 46] situated within the territorial jurisdiction of an Assistant Commisssioner, the Government shall constitute a committee called the Regional Committee consisting of not less than three and not more than five non-official members as may be nominated by the Government. Only persons who are qualified for appointment as trustees under this Act shall be nominated to the Regional Committee.

(2) The term of office of the members of the Regional Committee shall be three years and other matters relating to the said Committee shall be such as may be prescribed.

(3) The Government may, after giving a show cause notice, remove all or any of the members of the Regional Committee in the public interest.

(4) The Regional Committee shall prepare in such manner as may be prescribed, a panel of names of persons who are qualified for appointment as trustees under this Act (including members of Scheduled Castes and Scheduled Tribes) and suitable for appointment as non-hereditary trustee or trustees, as the case may be, and shall send it to,—

(i) the Deputy Commissioner in respect of religious institutions falling under clause (i) of section 46;

(ii) the Commissioner in respect of religious institutions falling under clause (ii) of section 46; and

(iii) the Assistant Commissioner in respect of any religious institution which is not included in the list published under section 46 and is not a religious institution notified or deemed to have been notified under Chapter VI of this Act.

(5) Notwithstanding anything contained in this section, the Regional Committee shall have no jurisdiction to send any panel of names of persons under this section in respcet of any religious institution for which a scheme has been settled or deemed to have been settled under this Act by the High Court or any court subordinate to the High Court.".

8. *Amendment of section* 47, *Tamil Nadu Act* 22 *of* 1959.—In section 47 of the principal Act,—

(i) in sub-section (1),—

(*a*) for clause (*a*), the following clause shall be substituted, namely:—

"(*a*) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees has no hereditary trustee,—

(i) in cases falling under clause (i) of section 46, the Deputy Commissioner;

(ii) in cases falling under clause (ii) of section 46, the Commissioner, and

(iii) in cases falling under clause (iii) of section 46, the Government,

shall constitute a Board of Trustees:

Provided that the Board of Trustees constituted under items (i) and (ii) of this clause shall, subject to the provisions of clause (*c*), consist of three persons appointed by the Deputy Commissioner or the Commissioner, as the case may be, from among the panel of names of persons sent by the Regional Committee concerned under sub-section (4) of section 46-A, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes:—

Provided further that in addition to the persons appointed by the Deputy Commissioner or the Commissioner under item (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointment as trustees under this Act, as members of the said Board of Trustees, having regard to the folowing matters, namely:—

(*a*) the interest of the public generally ;

(*b*) the income and the properties of the religious institution ;

(*c*) the number of worshippers and importance of the religious institution as a pilgrim centre ; and

(*d*) such other matters as may be prescribed.";

(*b*) in the proviso, for the words " the Government or the Commissioner ", the words " the Government, the Commissioner or the Deputy Commissioner " shall be substituted ;

(ii) in sub-section (2), for the words " the Government or the Commissioner " wherever they occur, the words " the Government, the Commissioner or the Deputy Commissioner " shall be substituted ;

(iii) in sub-section (3), for the words " the Government or the Commissioner, as the case may be ", the words " the Government, the Commissioner or the Deputy Commissioner, as the case may be," shall be substituted:

(iv) in sub-section (4),—

(*a*) in the opening portion, for the words " the Government or the Commissioner ", the words " the Government, the Commissioner or the Deputy Commissioner " shall be substituted ;

(*b*) in the proviso, for the words "the Government, or the Commissioner, as the case may be," the words "the Government, the Commissioner or the Deputy Commissioner, as the case may be", shall be substituted.

9. *Insertion of new section 47-A in Tamil Nadu Act 22 of 1959.*—After section 47 of the principal Act, the following section shall be inserted, namely:—

"47-A. *Delegation of powers by Government.*—(1) The Government may, by notification, authorise the Commissioner to exercise the powers vested in them under the second proviso to clause (*a*) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, in respect of any religious institution.

(2) The exercise of any power delegated under sub-secton (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.".

10. *Amendment of section 48, Tamil Nadu Act 22 of 1959.*—In section 48 of the principal Act, in sub-sections (1) and (2), for the words "the Government or the Commissioner, as the case may be", the words "the Government, the Commissioner or the Deputy Commissioner, as the case may be," shall be substituted.

11. *Amendment of section 49, Tamil Nadu Act 22 of 1959.*—In sub-section (1) of section 49 of the principal Act,—

(i) for the words "the Government or the Commissioner", the words "the Government, the Commissioner or the Deputy Commissioner" shall be substituted ;

(ii) for the proviso, the following provisos shall be substituted namely:—

"Provided that the Board of Trustees constituted under this sub-section shall consist of three persons appointed by the Assistant Commissioner from among the panel of names of persons sent by the Regional Committee concerned under sub-section (4) of section 46-A:

Provided further that in addition to the trustees appointed by the Assistant Commissioner under this sub-section, the Government may nominate two persons who are qualified for appointment

as trustees under this Act as members of the said Board of Trustees, having regard to the following matters. namely:—

(*a*) the interest of the public generally;

(*b*) the income and the properties of the religious institution;

(*c*) the number of worshippers and importance of the religious institution as a pilgrim centre; and

(*d*) such other matters as may be prescribed:

Provided also that notwithstanding anything aforesaid in this sub-section, the Assistant Commissioner may, in the case of any such religious institution which has no hereditary trustee, appoint a single trustee.".

12. *Amendment of section 49-A, Tamil Nadu Act* 22 *of* 1959.— In sub-section (2) of section 49-A of the principal Act, for the words " the Government or the Commissioner, as the case may be,", the words " the Government, the Commissioner or the Deputy Commissioner, as the case may be, " shall be substituted.

13. *Substitution of section* 51, *Tamil Nadu Act* 22 *of* 1959.— For section 51 of the principal Act, the following section shall be substituted, namely:—

" 51. *Claims of certain persons to be trustees.*—(a) The Regional Committee, in preparing a panel of names of persons suitable for appointment as non-hereditary trustee or trustees, as the case may be, under sub-section (4) of section 46-A; or

(*b*) the Government, the Commissioner, the Deputy Commissioner or the Assistant Commissioner in making appointments of trustees under section 47 or section 49 or section 49-A, as the case may be,

shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the institution concerned is chiefly intended or maintained. ".

14. *Amendment of section* 53, *Tamil Nadu Act* 22 *of* 1959.— In sub-section (1) of section 53 of the principal Act, for clauses (*a*) to (*d*), the following clauses shall be substituted, namely:—

" (*a*) in respect of any trustee of any religious institution included in the list published under clause (iii) of section 46, the Government;

(*b*) in respect of any trustee of any religious institution included in the list published under clause (ii) of section 46, the Commissioner;

(*c*) in respect of any trustee of any religious institution included in the list published under clause (i) of section 46 and in respect of any hereditary trustee of any religious institution not included in the list published under the said section 46, the Deputy Commissioner ; and

(*d*) in respect of any non-hereditary trustee of any religious institution not included in the list published under section 46, the Assistant Commissioner.".

15. *Amendment of section* 92, *Tamil Nadu Act* 22 *of* 1959.—In sub-section (4) of section 92 of the principal Act, after clause (iii), the following clause shall be inserted, namely:—

" (iv) expenses of Regional Committees.".

16. *Insertion of new section* 114-*A in Tamil Nadu Act* 22 *of* 1959.—After section 114 of the principal Act, the following section shall be inserted, namely:—

" 114-*A*. *Power of Government to review*.—(1) The Government may either on their own motion or on application by any person aggrieved by an order of the Government under item (iii) of clause (*a*) or the second proviso to clause (*a*) of sub-section (1) of section 47 or the second proviso to sub-section (1) of section 49, review any such order,—

(*a*) on the basis of the discovery of new and important facts,—

(i) which were not then within the knowledge of the Government when the order was made; or

(ii) which after the exercise of due diligence, were not then within the knowledge of the applicant or could not be produced by him when the order was made ; or

(*b*) on the basis of some mistake or error apparent on the face of the record; or

(*c*) for any other sufficient reason.

and pass such order thereon as they think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter:

Provided further that no application for review shall be preferred more than once in respect of the same order.

(2) Every application for review shall be preferred within such time and in such manner as may be prescribed.

(3) The decision or order passed on the application for review shall be final.

(4) The Government may pass such interlocutory orders pending the decision on the application for review as the Government may deem fit.

(5) The Government may award costs in any proceedings for review to be paid by the applicant as they deem fit. ".

17. *Amendment of section* 116, *Tamil Nadu Act* 22 *of* 1959.—In sub-section (2) of section 116 of the principal Act, in clause (xxi),—

(i) in sub-clause (*a*), the word " and " occurring at the end, shall be omitted ;

(ii) after sub-clause (*a*), the following sub-clause shall be inserted, namely:—

"(*aa*) the Regional Committee; and ".

18. *Amendment of Schedule III, Tamil Nadu Act* 22 *of* 1959.—In Schedule III of the principal Act,—

(*a*) under the heading " II. APPLICATIONS TO COURT OR TRIBUNAL ", in the entries in column (2) against the figures and brackets " 47 (4) " in column (1), for the words " order of Government or Commissioner ", the words " order of Government, Commissoner or Deputy Commissioner " shall be substituted ;

(*b*) under the heading " IV. APPLICATIONS TO GOVERNMENT, COMMISSIONER OR DEPUTY COMMISSIONER ",—

(i) after the entries " 21. Application to Commissioner for revision 10 ", in columns (1) to (3) thereof, the following entries shall be inserted, namely :—

" 21-A. Application to Deputy Commissioner for revision 10 ";

(ii) after the entries " 114. Application to Government for revision 25 " in columns (1) to (3) thereof, the following entries shall be inserted, namely:—

" 114-A. Application to Government for review 25 ".

19. *Hereditary trustee of fit person, etc., cease to perform functions of Board of Trustees.*—Notwithstanding anything contained in the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment and Special Provisions) Act, 1976 (President's Act 24 of 1976), the hereditary trustee or trustees or the executive officer or a fit person referred to in sub-section (2) of section 11 of the said Act, as the case may be, empowered to perform the functions of the Board of Trustees or of the trustee, as the case may be, of any religious institution under the said section 11, shall cease to perform such functions on and from such date as may be specified by the Government or any officer authorised by them in this behalf:

Provdied that such date shall be a date subsequent to the date of the constitution of the Board of Trustees or of the appointment of a trustee, as the case may be, under the principal Act as amended by this Act.

20. *Repeal.*—(1) The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Ordinance, 1978 (Tamil Nadu Ordinance 10 of 1978), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 14th August 1978.

LEGISLATIVE ASSEMBLY TAMIL NADU — TRUTH ALONE TRIUMPHS